

### **REMARKS**

Claims 1, 6-12 and 20 remain pending in the present application. Claim 2 has been cancelled. Claims 1, 12 and 20 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1 and 2 are rejected under 35 U.S.C. § 102(e) as being anticipated by Miller, et al. (U.S. Pat. No. 6,637,555). Applicant respectfully traverses this rejection. Claim 1 has been amended to include the limitations of Claim 2 with the addition that the valves are electronic valves in electrical communication with the control unit. Thus, the control for the valve in the piston is independent from the gas pressure.

Miller, et al. in Figures 2, 3, 7, 8 and 14 discloses a shock absorber having a control chamber 42 which is in communication with valve 30 in piston 18 through passageway 20 and bore 16. Thus, the pressure in control chamber 42 is the same pressure that controls valve 30. The present invention, in amended Claim 1, has an electronic control unit for controlling the gas pressure and a control unit in electrical communication with the electronic valve. Thus, it is possible to control the valve independent from the gas pressure.

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Claim 2 has been cancelled. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 12 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller (U.S. Pat. No. 6,637,555) in view of Grundei, et al. (U.S. Pat. No. 5,971,117). Claim 12 depends from Claim 1. As discussed above, Claim 1 has been amended and is now believed to patentably distinguish over the art of record. Thus, Claim 12 is also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claim 20 has been amended similar to Claim 1 and thus the above discussion of Miller, et al. applies here. Grundei, et al. discloses two pistons but does not disclose controllable valving in the piston. Grundei, et al. uses bead 37 to change the damping characteristics.

Thus, Applicant believes Claim 20, as amended, patentably distinguishes over the art of record. Reconsideration of the rejection is respectfully requested.

### **REJOINDER**

Applicant respectfully requests the rejoinder of withdrawn Claims 6-11.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and

favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: June 12, 2006

By: 

Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MJS/pmg